

August 16, 2019

VIA ECF

Honorable Carol Bagley Amon  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Bartlett, et al. v. Société Générale de Banque au Liban S.A.L., et al., 19-cv-007 (E.D.N.Y.)

Dear Judge Amon:

This letter is submitted on behalf of all Defendants<sup>1</sup> pursuant to Section 3(A) of Your Honor's Individual Motion Practices and Rules to request a pre-motion conference in advance of Defendants' contemplated motions to dismiss the First Amended Complaint (the "FAC"), which adds over 200 pages, 1,200 paragraphs, and a new Defendant, while expanding Plaintiffs' conspiracy claim to include all Defendants. Société Générale de Banque au Liban S.A.L. ("SGBL") today is filing a supplemental letter addressing count IV, which only is asserted against SGBL based on its purchase of certain assets and liabilities.

Plaintiffs filed their original Complaint on January 1, 2019. See ECF No. 1. On May 31, Defendants sought a pre-motion conference to address their contemplated joint motions to dismiss. See ECF No. 91-93. Pursuant to a Scheduling Order issued on June 12, 2019, Defendants then served Plaintiffs with motions to dismiss on July 15, 2019. See ECF Nos. 100-02. On August 2, 2019, Plaintiffs filed the FAC. See ECF No. 105. Defendants intend to move to dismiss the FAC.

Defendants are twelve financial institutions in Lebanon, together accounting for over 80% of the total assets in the Lebanese banking sector. The FAC, like the original Complaint, broadly alleges that these Defendants bear responsibility for injuries to certain U.S. military personnel serving in Iraq during the Iraq War. Plaintiffs' effort to seek money damages from Defendants rests on allegations that these banks provided routine banking services to entities that Plaintiffs assert were associated with or controlled by Hezbollah, which in turn purportedly facilitated or supported the violence that gave rise to Plaintiffs' injuries. Plaintiffs assert primary and secondary liability claims under the Anti-Terrorism Act (18 U.S.C. § 2331, et seq.) ("ATA"), as amended by the Justice Against Sponsors of Terrorism Act ("JASTA").

This case is one of many brought by Plaintiffs based upon the same incidents and injuries. In multiple other actions pending in this District and elsewhere, Plaintiffs have sued a

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<sup>1</sup> "Defendants" refers to Société Générale de Banque au Liban S.A.L., Fransabank S.A.L., Bank of Beirut and the Arab Countries S.A.L., Bank of Beirut S.A.L., MEAB s.a.l. (sued as Middle East and Africa Bank), Lebanon & Gulf Bank S.A.L., Byblos Bank S.A.L., Bank Audi S.A.L., Banque Libano Française S.A.L., Jammal Trust Bank S.A.L., BLOM Bank S.A.L., and Fenicia Bank s.a.l.

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number of U.S. and European banks, Iranian banks, pharmaceutical companies, and the government of Iran.<sup>2</sup>

Defendants abhor terrorism and violence perpetrated against anyone, particularly U.S. military personnel, but Defendants had nothing to do with Plaintiffs' injuries. This lawsuit should be dismissed because Defendants are not subject to U.S. jurisdiction and the FAC fails to state a claim under the ATA. Defendants intend to move to dismiss the FAC on similar grounds as those set forth in Defendants' previous joint pre-motion letter (ECF No. 91), including: (1) the FAC fails to make a *prima facie* showing that Defendants are subject to personal jurisdiction; (2) the FAC fails to allege facts plausibly showing proximate causation; (3) the FAC fails to allege facts plausibly showing that Defendants committed "acts of international terrorism;" (4) the FAC fails to allege facts plausibly showing critical elements of the underlying "material support" provision; (5) the FAC fails to satisfy threshold requirements for the application of secondary liability under JASTA; and (6) the FAC fails to allege facts plausibly showing that Defendants provided "knowing, substantial assistance" to the principal actors. In addition, Defendants intend to move jointly to dismiss Plaintiffs' conspiracy claim, newly asserted against all Defendants in the FAC, for failure to allege facts plausibly showing the required elements.

Per Your Honor's individual rules, the parties have met and conferred, and, subject to the Court's approval, propose the following briefing schedule for Defendants' contemplated motion to dismiss the FAC: Defendants' motion: November 1, 2019, Plaintiffs' opposition: December 16, 2019, and Defendants' reply: January 31, 2020.

Defendants anticipate submitting a single joint brief addressing issues common to all Defendants not to exceed 50 pages, and Defendant-specific supplemental briefs, to the extent required, addressing allegations unique to certain Defendants.

Respectfully submitted,

Dated: August 16, 2019

MAYER BROWN LLP

By: /s/ Mark G. Hanchet  
Mark G. Hanchet  
Robert W. Hamburg

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<sup>2</sup> *Freeman v. HSBC Holdings plc*, No. 14-cv-6601 (E.D.N.Y. filed Nov. 10, 2014); *Fritz v. Islamic Rep. of Iran*, No. 15-cv-456 (D.D.C. filed Mar. 30, 2015); *Karcher v. Islamic Rep. of Iran*, No. 16-cv-232 (D.D.C. filed Feb. 12, 2016); *Burks v. Islamic Rep. of Iran*, No. 16-cv-1102 (D.D.C. filed June 13, 2016); *Martinez v. Deutsche Bank*, No. 17-cv-2474 (E.D.N.Y. filed Nov. 2, 2016); *Hake v. Bank Markazi Jomhouri Islami Iran*, No. 17-cv-114 (D.D.C. filed Jan. 17, 2017); *Brooks v. Bank Markazi Jomhouri Islami Iran*, No. 17-cv-737 (D.D.C. filed Apr. 20, 2017); *Field v. Bank Markazi Jomhouri Islami Iran*, No. 17-cv-2126 (D.D.C. filed Oct. 13, 2017); *Atchley v. AstraZeneca UK Ltd.*, No. 17-cv-2136 (D.D.C. filed Oct. 17, 2017); *Stearns v. Islamic Rep. of Iran*, No. 17-cv-131 (D.D.C. Jan. 19, 2017); *Freeman v. HSBC Holdings plc*, No. 18-cv-7359 (E.D.N.Y. filed Dec. 26, 2018); *Stephens v. HSBC Holdings plc*, No. 18-cv-7439 (E.D.N.Y. filed Dec. 28, 2018).

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